

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

VIRGIL SMITH,

Plaintiff,

v.

PHOENIX SEATING SYSTEMS, LLC,

Defendant.

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Case No. 3:13-cv-1323-DRH-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion Requesting Service of Summons filed by Defendant, Phoenix Seating Systems, LLC (Doc. 40). Defendant's Motion is **DENIED WITHOUT PREJUDICE**.

In this motion, Defendant requests that this Court complete service of summons on Third Party Defendants Velo Enterprise Company, Ltd. and Rattox Corporation. Defendant provides that because these Third Party Defendants are Taiwanese Corporations, service may be completed by the Clerk of the Court pursuant to Rules 4(h)(2) and 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure.

Under Rule 4(f)(1), service of process upon entities in foreign countries may be effected "by any internationally agreed means reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents." However, if there is no internationally agreed means, or if an international agreement allows but does not specify other means, pursuant to Rule 4(f)(2), service may be effected by international mail so long as service is sent by the clerk of court, using a form of mail

requiring a signed receipt. In this instance, Defendant's motion is devoid of any explanation regarding whether there are any internationally agreed means to provide notice to Taiwan corporations. As such, it is not clear that Rule 4(f)(2) is applicable to these Third Party Defendants. Accordingly, Defendant's Motion is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED: January 5, 2015



DONALD G. WILKERSON
United States Magistrate Judge